Supreme Court, U.S.
FILED
05-557 AUG 23 2005
OFFICE OF THE CLERK

No.

IN THE
SUPREME COURT OF THE UNITED STATES

NASRIN AFJEH — PETITIONER

vs.

ILLAGE OF OTTAWA HILLS — RESPONDENTS

On Petition For A Writ Of Certiorari
To The Court Appeals Of Ohio, The Sixth Appellate District

PETITION FOR A WRIT OF CERTIORARI

Nasrin Afjeh, Pro Se
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Toledo, Ohio 43606
(419) 531-3729

NO COUNSEL FOR PETITIONER

QUESTIONS PRESENTED

1. Whether an ordinance restricting the size of a sign on residential property to 10 square foot, to promote safety and aesthetics discriminate in violation of the first amendment by exempting sign on commercial property and flags and governmental insignias from the 10 square foot limitation at the expense of safety and aesthetics.

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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TABLE OF AUTHORITIES CITED

CASES **PAGE NUMBER**

Olmsted Chamber of Commerce v. *City of North Olmsted*, (2000), 86 F. Supp. 2d 755 5

Village of Kelley's Island v. Joyce (2001), 146 Ohio App. 3d. 92, 97 10

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OTHER

OPINIONS BELOW

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is
[ ] reported at
_____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the Court of Appeals of Ohio, Sixth Appellate District, appears at Appendix B to the petition and is
[ ] reported at
_____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the Court of Common Pleas, Lucas County, Ohio, appears at Appendix C to the petition and is
[ ] reported at
_____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

The date on which the highest state court decided my case was May 25, 2005. A copy of that decision appears at Appendix A.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ on _____ in Application No. ___A_____.

The jurisdiction of this court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First Amendment of the United States Constitution

Fourteenth Amendment of the United States Constitution

STATEMENT OF THE CASE

The Village of Ottawa Hills filed an action against Nasrin and Abdollah Afjeh, residents of the Village, asking for a declaratory judgment of the constitutionality of the Village sign ordinance and an order directing the Afjehs to remove existing signs on their property. The Village sign ordinance at Section 6 of Ordinance No. 96-20 provided:

> Signs erected after the effective date of this ordinance on residential property:
>
> 1) Shall not exceed 48" in height
> 2) Shall not exceed 10 square feet in total square feet of all signs
> 3) Shall be located not nearer than 25 feet from the intersection of 2 streets
> 4) Shall not be located in the public right-of-way

5) Shall not be lighted in any manner

The Village alleged, and the trial court found, that Nasrin Afjeh erected a sign that exceeded 10 square feet in area and 48 inches in height in violation of Ordinance 96-20. Opinion and Judgment Entry, 2, October 28, 2002. The sign read: "Welcome to Ottawa Hell – We still got Kakistocracy." Id. at 3-4. The word "kakistocracy" means government by the worst men in the state. Webster's Encyclopedic Unabridged Dictionary of the English Language, 778, (1989). The court found that the sign expressed Nasrin Afjeh's "disdain""for the Village," and "its officials." Opinion and Judgment Entry, 3, October 28, 2002.

Nasrin Afjeh erected the sign to protest the harassment to which Village officials subjected her. The sign followed a series of retaliatory actions against her by agents and employees of the Village. It all began in 1997 when Nasrin began a campaign, unpopular with Village officials, to oppose a school levy that was going to be voted on by village residents in the election in November 1998. In September

1998, two months prior to the vote on the levy, Nasrin filed a lawsuit against the Village under the Ohio Public Records Act to uncover records of ordinances and resolutions showing how much money the Village had wasted by giving the money to the Ottawa Hills School Board. Trial transcript, p. 299, June 26, 2002. Nasrin's participation in this effort was well known by Village officials, who were very supportive of the levy and the Ottawa Hills schools. The levy was defeated on November 3, 1998.

Nasrin produced evidence that village official, Marc Thompson, after the levy defeat and some time in December, 1998, filed a criminal complaint in the Toledo Municipal Court alleging that Nasrin violated a Village ordinance prescribing planting shrubs in the public right-of-way. TR June 26, 2002, p.296, line 23, p. 297, line 15. Thompson filed criminal charges only against Nasrin Afjeh, not her husband. Only Nasrin opposed the levy. Thompson, never before nor after, filed such charges against any other village resident. Nasrin won the criminal case on appeal.

After her victory in the Court of Appeals, Nasrin painted a sign on her garage that said, "Welcome to Ottawa Hell – We still got kakistocracy." Her intent was to let the world know that village officials were harassing her.

Then, Village Manager, Marc Thompson sent Nasrin and Abdollah Afjeh a letter informing them that the sign violated a village ordinance. Thompson threatened to take them to court. Defendant Exhibit C). Thompson then filed the instant action in the Lucas County Court of Common Pleas even though no such action was filed against anyone else. For example, Ottawa Hills High Schools put up signs that violated the sign ordinance, but the government did not act to remove them even though they were clearly in violation. Trial transcript, Councilman Straub testimony, p. 43, line 11. Later the schools were given a verbal variance for large A-frame signs that violated the sign ordinance but the petitioner was denied same. Trial transcript, p. 134, line 9, of Thompson testimony.